

Message Text

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16

ACTION SCI-06

INFO OCT-01 EUR-25 IO-14 ISO-00 ACDA-19 CIAE-00 INR-10

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 3732

INFO USMISSION EC BRUSSELS

AEC GERMANTOWN

AMEMBASSY BONN

AMEMBASSY ROME

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 10076

EO: 11652: GDS

TAGS: PARM, US, IAEA, GW

SUBJ: US VOLUNTARY SAFEGUARDS OFFER: FRG VIEWS

SUMMARY: FRG OFFICIALS TOLD US MISSION THEY WOULD LIKE TO HAVE UNDERSTANDING RE US NUCLEAR FACILITIES WHICH WILL BE INCLUDED ON LIST OF FACILITIES ELIGIBLE FOR IAEA SAFEGUARDS, A US-IAEA SAFEGUARDS AGREEMENT THAT INCLUDES CRITERIA FOR SELECTION FROM ELIGIBLE LIST, AND ASSURANCE THAT US WILL OPPOSE ANY REDUCTION IN IAEA BUDGET FOR SAFEGUARDS IN US. THEY ORIGINALLY ADDED QUALIFIED QTE UNLESS EQUIVALENT REDUCTION MADE FOR SAFEGUARDS IN EC, UNQTE BUT BACKED OFF WHEN US SAID THIS UNACCEPTABLE. ACTION REQUESTED: INSTRUCTIONS FOR RESPONSE TO ANTICIPATED FRG LIST OF FACILITIES TO BE SAFEGUARDED, INCLUDING PROBABLE REQUEST FOR INCLUSION OF ENRICHMENT PLANTS.

1. FRG DELEGATION CONSISTING OF RANDERMANN (FONOFF), UNGERER (RESREP TO IAEA), FREYTAG (ALTERNATE RESREP), AND BOULANGER AND HEIL (MINRESEARCH AND TECHNOLOGY) MET WITH AMBASSADOR TAPE, RESREP PORTER AND MISSION STAFF NOVEMBER 30 TO CONTINUE DISCUSSIONS ON US-IAEA SAFEGUARDS AGREEMENT NEGOTIATIONS. MEMCON OF PREVIOUS ROUND IN BONN NOVEMBER 16 POUCHED ADDRESSEES NOVEMBER 29.

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2. UNGERER, AS SPOKESMAN, SAID FRG SOUGHT SEVEN POINTS;
 - A. INCLUSION IN US-IAEA AGREEMENT OF "TIMBS PAPER" CRITERIA FOR SELECTION OF US FACILITIES TO BE SAFEGUARDED;
 - B. PRIVATE US-FRG-IAEA UNDERSTANDING REGARDING WHICH SPECIFIC US FACILITIES TO BE SAFEGUARDED INITIALLY;
 - C. ASSURANCE THAT US-IAEA AGREEMENT WILL PERMIT IAEA TO MOVE FACILITIES FROM CATEGORY TWO (FACILITY ATTACHMENTS BUT NOT INSPECTIONS) TO CATEGORY ONE (UNDER SAFEGUARDS) AUTOMATICALLY AND ON SHORT NOTICE;
 - D. CONFIRMATION OF PREVIOUS ASSURANCES THAT FACILITY ATTACHMENTS WILL BE PREPARED ON ALL CATEGORY TWO FACILITIES;
 - E. CONFIRMATION THAT ALL CATEGORY TWO FACILITIES WILL BE REQUIRED TO SUBMIT DESIGN INFORMATION, RECORDS AND REPORTS;
 - F. CONFIRMATION THAT IAEA INSPECTORS MAY VISIT (BUT NOT INSPECT) ANY OR ALL CATEGORY TWO FACILITIES;
 - G. ASSURANCE THAT US WILL ENDEAVOR PREVENT DECISION BY IAEA BOARD OR DG TO REDUCE IAEA SAFEGUARDS ACTIVITIES IN US, DUE POSSIBLE FUTURE BUDGETARY CONSTRAINTS, AND THAT IF SUCH DECISION NEVERTHELESS OCCURS, THAT US WILL AGREE TO EQUIVALENT REDUCTION IN IAEA SAFEGUARDS IN EURATOM MEMBER STATES.

3. POINTS A AND G WERE RELATED AND STEMMED FROM STRONG FRG CONCERN THAT LDCS, WITH HELP OF SOME ANTI-NPT DEVELOPED COUNTRIES, MIGHT PUT TOGETHER MAJORITY ON IAEA BOARD AT SOME FUTURE TIME WHICH WOULD SEEK CUT BUDGET BY REDUCING SAFEGUARDS IN US. FRG THOUGHT ENSHRINING CRITERIA IN AGREEMENT, MAKING IT MANDATORY FOR AGENCY TO SAFEGUARD ALL FACILITIES "OF ADVANCED DESIGN INCORPORATING NEW TECHNOLOGY OR SENSITIVE IN TERMS OF INTERNATIONAL COMPETITION", WOULD MAKE IT MORE DIFFICULT FOR BOARD TO REDUCE ACTIVITIES. THEY ARGUED THAT US CONCEPT OF TWO CATEGORIES HAD BEEN "STEP BACKWARD" FROM TIMBS PAPER, WHICH THEY REGARD AS INFORMAL BUT SOLEMN US-FRG AGREEMENT, AND FRG PROPOSALS ARE EFFORT TO RESTORE TIMBS PAPER IDEA THAT THERE IS HARD CORE OF US FACILITIES WHICH CANNOT ESCAPE SAFEGUARDS. IF HARD CORE NEVERTHELESS REDUCED, FRG WANTED REDUCTION IN IAEA SAFEGUARDS WITHIN EC AS WELL.

4. WE SAID THERE WAS NO QUESTION WHATEVER ABOUT US ACCEPTANCE OF TIMBS CRITERIA BUT WE CONTINUED BELIEVE THAT IT WOULD BE TACTICAL MISTAKE PUT THEM IN AGREEMENT, DEPRIVING US AND FRG AND OTHER INTERESTED STATES OF OPPORTUNITY TO REVISE THEM FROM TIME TO TIME

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TO TAKE ACCOUNT OF NEW DEVELOPMENTS IN NUCLEAR INDUSTRY, EXCEPT BY FORMAL PROCESS OF AMENDING AGREEMENT. INCLUSION COULD ALSO LEAD TO UNDESIRABLE INVOLVEMENT OF BOARD, WHICH MUST APPROVE AGREEMENT, IN DISCUSSION OF CRITERIA. WE WERE PREPARED STATE OUR ACCEPTANCE OF THE CRITERIA IN LETTER TO DG PRIOR TO BOARD CONSIDERATION.

5. WITH REGARD HYPOTHETICAL BUDGET CUTS, WE COULD GIVE TOTAL AS-

SURANCES THAT US WOULD SUPPORT SAFEGUARDS BUDGET ADEQUATE TO CAR-
RYOUT AGENCY'S RESPONSIBILITIES UNDER ALL AGREEMENTS INCLUDING US
OFFER BUT SUGGESTION THAT WE JOIN IN CUTTING BUDGET FOR SAFEGUARDS
IN EC IS UNACCEPTABLE. LATTER ARE TREATY OBLIGATION; SAFEGUARDS
IS US ARE NOT. PURPOSE OF EC SAFEGUARDS IS TO DETECT DIVERSION
TO NUCLEAR WEAPONS; PURPOSE OF SAFEGUARDS IN US IS NOT OF SAME
ORDER OF IMPORTANCE. SAFEGUARDS IN EC MUST STAND ON THEIR OWN
FEET. RANDERMANN SAID THAT IN VIEW OF OUR DIFFICULTY WITH SECOND
PART OF THEIR POINT (G), THEY WOULD WITHDRAW IT; FIRST PART, THAT
WE OPPOSE ANY EFFORT CUT BUDGET FOR US OFFER, IS MORE IMPORTANT.
WE ASSURED THEM US WOULD SUPPORT SAFEGUARDS BUDGET AT LEAST AS
LARGE AS THAT FRG WOULD SUPPORT.

6. WE CONFIRMED PREVIOUS UNDERSTANDINGS ON POINTS (C), (D), (E),
AND (F). WITH REGARD TO (F), WE DISCUSSED WAYS IN WHICH PROTOCOL
TO US AGREEMENT MIGHT ELABORATE ON PERMISSIBLE (BUT NOT MANDA-
TORY) ACTIVITIES OF IAEA INSPECTORS VISITING CATEGORY TWO FACILI-
TIES (SEPTTEL).

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INFO OCT-01 EUR-25 IO-14 ISO-00 ACDA-19 CIAE-00 INR-10

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AMEMBASSY BONN

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C O N F I D E N T I A L SECTION 2 OF 2 IAEA VIENNA 10076

FRG DELEGATION SAID THIS APPEARED TO BE STEP IN RIGHT
DIRECTION. IN RESPONSE TO (B), WE SUGGESTED THAT FRG
GIVE US ITS VIEWS AS TO WHICH US FACILITIES FIT TIMBS
CRITERIA. THEY SAID THEY WOULD ENDEAVOR DO SO.

7. IN DISCUSSION OF MISCELLANEOUS ASPECTS OF NEGOTIATION, RANDERMANN ASKED WHETHER US AGREEMENT WOULD REQUIRE CONGRESSIONAL RATIFICATION AND IF NOT WHETHER IT WOULD BE LEGALLY ENFORCEABLE IN US. WE SAID IT WOULD BE EXECUTIVE AGREEMENT NOT TREATY, ALTHOUGH SOME INFORMAL CONSULTATION WITH CONGRESS WOULD UNDOUBTEDLY TAKE PLACE. IT WOULD OF COURSE BE FULLY ENFORCEABLE IN US. HE ASKED WHEN WE PLANNED SUBMIT IT TO BOARD. WE SAID WE HOPED HAVE INFORMAL AGREEMENT ON TEXT BY SPRING, BUT WE COULD NOT SAY WHEN WE MIGHT DECIDE SUBMIT IT. UNGERER COMMENTED, WITHOUT PRESSING POINT, THAT BOARD APPROVAL OF US AGREEMENT BEFORE COMPLETION OF FRG RATIFICATION OF NPT COULD HELP RATIFICATION PROCESS, EVEN IF US AGREEMENT DID NOT COME INTO FORCE UNTIL LATER.

8. WE TOOK OCCASION SAY WE HAD HEARD THAT ITALY PLANNING SUBMIT IAEA-EURATOM AGREEMENT TO ITS PARLIAMENT SEPARATELY
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FROM AND PRIOR TO NPT. THIS IMPLIED ITALY THOUGHT FORMER COULD ENTER INTO FORCE PRIOR TO LATTER. RANDERMANN AGREED THAT WAS ITALIAN VIEW, BUT FRG HAD DOUBTS WHETHER THAT LEGALLY POSSIBLE.

9. WE AGREED CONTINUE US-FRG CONSULTATIONS BUT DID NOT SPECIFY TIME OR PLACE FOR NEXT MEETING.

10. COMMENT: FRG POSITION WAS MUCH MORE UNITED AND COHERENT THAN IN BONN MEETINGS, ALTHOUGH NO MORE ACCEPTABLE TO US ON SOME MAJOR ISSUES. WE PROPOSE TO CONTINUE TO LEAVE THE INITIATIVE FOR FURTHER MEETINGS ENTIRELY WITH FRG. RE TIMING OF BOARD CONSIDERATION OF US AGREEMENT, IT IS CLEAR FRG HAS DECIDED IGNORE REPEATED US STATEMENTS THAT IMPLEMENTATION OUR OFFER LINKED TO IMPLEMENTATION OF NPT SAFEGUARDS IN JAPAN AS WELL AS EC. WE EXPECT THAT AS SOON AS WE REACH AGREEMENT WITH IAEA ON DRAFT TEXT (AND IN ANY EVENT NO LATER THAN NEXT SPRING) FRG WILL BEGIN PRESSING US HARD FOR SUBMISSION TO BOARD, REGARDLESS OF STATUS OF IAEA-JAPANESE NEGOTIATIONS OR PROSPECTS FOR JAPANESE RATIFICATION OF TREATY.

11. RE UNDERSTANDING ON INITIAL LIST OF FACILITIES TO BE SAFEGUARDED, FOR TIME BEING BALL IS IN THEIR COURT, BUT THEY WILL SOON BE BACK WITH PROPOSED LIST WHICH WE FULLY EXPECT TO INCLUDE ENRICHMENT PLANTS NOT FULLY ENGAGED IN PRODUCTION FOR MILITARY PURPOSES. DEPARTMENT WILL RECALL DISCUSSIONS THIS POINT IN AUGUST TALKS. ACTION REQUESTED: INSTRUCTIONS FOR RESPONDING TO FRG PROPOSALS FOR INITIAL LIST OF U.S. FACILITIES TO BE SAFE-

GUARDED BY IAEA, INCLUDING RESPONSE WE SHOULD MAKE TO
EXPECTED INCLUSION OF ENRICHMENT PLANTS.TAPE

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